REMARKS

Claims 19-38 are pending prior to amendment herein. The specification par. 46 is objected to for informalities. Claim 37 is objected to for informalities. Claim 32 is rejected under 35 USC 112 as being indefinite. Claims 19-38 are rejected under 35 USC 103(a) as being unpatentable over US Pub. 2001/0043608 (Potter, et al) in view of US Pub 2003/0037284 (Srinivasan, et al).

Independent claims 19, 37, and 38 have been rewritten as new claims 39, 41, and 42 respectively to clarify them. Claims 40 and 43 are also new. Claims 20, 23, 25-27, 29, 32, 33, and 35 are amended. Claims 19, 22, 28, 37, and 38 are canceled. Claims 20, 21, 23-27, 29-36, and 39-43 are presented for examination.

The clarifications of the independent claims are supported in the drawings and specification, especially in FIG 2; par. 59, lines 7-17; par. 62, lines 8-13; and pars. 67-68. New claims 40 and 43 are supported especially in pars. 63 and 65.

Response to Specification Objection

Paragraph 46 is amended herein. Note that "dispense with" is a phrasal verb meaning "eliminate".

Response to Claim Objections

Claim 37 is rewritten as claim 41.

Response to Rejection under 35 USC 112

Claim 32 is amended herein as required.

Response to Rejections under 35 USC 103

Examiner did not identify a specific element in Potter corresponding to Applicant's claimed "data processing device". Instead, Examiner on page 5 of the office action listed several different types of elements in Potter, including clients 44, 46, 48, 50; a gateway 36; a gatekeeper 40; communications lines 14, 15; and a LAN node 38. In order to clarify Applicants' element in the amended claims, it is renamed "interface" (24), as described in par. 59, lines 7-17; par. 62 lines 8-13; and FIG 2. The interface 24 in the gatekeeper module 21 handles multiple transmission protocols and converts between them as described and claimed.

Potter shows and describes a distributed communications system. FIG 2 shows a switch 42, a gateway 36, a gatekeeper 40, and a computer 54, all separately connected to a LAN or WAN 22. Potter emphasizes a distributed topology in paragraph 10, stating benefits that teach away from the integrated aspect of the present invention as claimed. In contrast, Applicants invention eliminates the need for separate protocol conversion computers (Applicants FIG 1, dashed elements 8, 18a, 18b) by providing a protocol conversion interface 24 in a gatekeeper module 21 in a computer or PBX 15a that also includes a gatekeeper 21, multiple gateways 20a, 20b, an alternate resource selector 27, protocol conversion, and at least in the case of a PBX, a switch. This is a purpose of the present invention (page 12, lines 5-12).

Srinivasan shows and describes a communications system with distributed backup servers (FIGs 1-3, elements 120a-d, and par 32, lines 5-15). Examiner apparently holds these servers to correlate with Applicants' internal gateway modules 20a, 20b. If so, the topology and function of Srinivasan's servers teach away from integration thereof in a PBX or computer as claimed. Backup servers should be remote from each other, so that a local network or ISP failure does not eliminate all or multiple servers.

Srinivasan's servers are redundant, meaning in this case that they all receive the same client requests, and concurrently process the same client requests redundantly (par. 11 and 34). This is a duplication of both hardware and processing for the purpose of fault-tolerant redundancy. It does not correlate with any claimed feature of Applicants. Neither Applicants nor Potter mention "fault" or "malfunction" or "failure" or "backup" or "redundancy", so the function and system of Srinivasan is largely unrelated to Potter and to Applicant's invention.

In any case, Srinivasan's backup servers would not be operable as alternate gateways in Applicants' system based on load, because they all have the same duplicated traffic load (par. 34). Thus, they all must handle the load of all of the client requests concurrently. If a network is interrupted such that the master server loses communication with backup servers, they elect a new master, resulting in conflicting masters (par. 15). Again, this is unrelated to Potter and to Applicants' invention.

As Examiner noted, Potter does not disclose a resource control device. Neither Potter nor Srinivasan mention "load", which is the basis for Applicants' alternate resource selection as claimed.

It is unclear how Srinivasan could be combined with Potter. In part, this is because Examiner's proposed correspondence with Applicants' "data processing device" in Potter is unclear, as noted in the first paragraph above. Examiner's response to the amendments herein may clarify this proposed combination. However, it is clear for the reasons above that no combination of Srinivasan and Potter would produce in Applicant's invention as claimed.

Conclusion

For obviousness to occur under 35 USC 103, a combination must be suggested by the references or motivated by obvious or expected benefits in view of documented knowledge in the field at the time of the invention, not by hindsight guided by the Applicants' invention. It should not be contrary to the teachings of the references, it must work, and it must produce the Applicants' invention. These criteria are not met as argued above. The dependent claims should be allowable as depending from an allowable claim. Therefore the Applicant feels this application is in condition for allowance, which is respectfully requested.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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